Express Mail No. EV 335 857 707 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Burchard	Confirmation No.: 6450
Serial No.: 09/616,849	Art Unit: 1634
Filed: July 14, 2000	Examiner: Forman, Betty J.
For: METHOD FOR DETERMINING THE SPECIFICITY AND SENSITIVITY OF OLIGONUCLEOTIDES FOR HYBRIDIZATION	Attorney Docket No: 9301-044

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to MPEP section 713.04, Applicant submits the following statement of the substance of a telephonic interview held on October 28, 2003 between Primary Examiner Betty J. Forman and Applicant's representatives Adriane M. Antler and Weining Wang in connection with the above-identified application.

During the interview, the claim rejection under 35 U.S.C. § 103(a) over Lockhart et al., U.S. Patent No. 6,344,316 B1 ("Lockhart") in view of Bao et al., U.S. Patent No. 6,251,601 ("Bao") was discussed. With respect to Lockhart, Ms. Antler pointed out that although Lockhart teaches that "[t]hose probes that show a strong hybridization signal with their target and little or no cross-hybridization with the high complexity sample are preferred probes for use in the high density arrays of this invention" (Lockhart, column 36, lines 44-47), this statement does not suggest comparing the hybridization signal of a probe with its target with hybridization signal of the probe with the high complexity sample via a ratio. Moreover, Ms. Antler pointed out that, in Lockhart, probes that show a strong hybridization signal with their target are probes whose hybridization signals with their targets are strong as compared to other probes, whereas probes that show little or no cross-hybridization with the high complexity sample are probes whose cross-hybridization is low as compared to other

probes. Ms. Antler pointed out that, as an example, a probe which has a high cross-hybridization with the high complexity sample, i.e., which does not show little or no cross-hybridization with the high complexity sample, may nonetheless exhibit a large ratio between hybridization signal with its target and hybridization signal with the high complexity sample if its hybridization signal with its target is even stronger. Such a probe may be highly desirable for use due to its strong hybridization signal with its target, and is a probe whose binding property can be evaluated according to the instantly claimed invention, but would be excluded from consideration by Lockhart.

With respect to Bao, Ms. Antler pointed out that Bao teaches using a ratio of hybridization of a tissue mRNA or cDNA sample to hybridization to a reference nucleic acid, and does not hint or suggest using a ratio of hybridization to target over hybridization to a complex sample.

The Examiner indicated that Bao was cited for its teaching of determining a ratio of two hybridization signals.

Applicant respectfully requests that the above statement be made of record in the above-identified application.

Respectfully submitted,

Date: November 20, 2003

Adriane M. Antler 32,605

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